

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**TENTATIVE ORDER NO. R9-2005-0213
WASTE DISCHARGE REQUIREMENTS AND
SECTION 401 WATER QUALITY CERTIFICATION**

for

**SOUTHERN CALIFORNIA EDISON
and
SAN DIEGUITO RIVER PARK JOINT POWERS AUTHORITY,**

**SAN DIEGUITO LAGOON RESTORATION
and
SAN DIEGUITO COAST TO CREST TRAIL,
SAN DIEGO COUNTY, CALIFORNIA**

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board) finds that:

1. Southern California Edison and San Dieguito River Park Joint Powers Authority (JPA) (hereinafter dischargers) submitted an application for 401 Water Quality Certification and an Application/Report of Waste Discharge on September 7, 2004. The dischargers propose to restore a significant portion of San Dieguito Lagoon and construct a trail system around portions of San Dieguito Lagoon within the Cities of Del Mar and San Diego, California.
2. The San Dieguito Wetland Restoration Project includes restoration and enhancement of tidal wetlands, the development of native upland habitat on the public properties surrounding the proposed wetlands, and the enhancement and expansion of several freshwater and seasonal coastal wetland areas. Another element of the project is the implementation of a public access and interpretive plan for the project area that includes proposals for a regional trail, nature trails, a nature/interpretive center, trail staging areas, and an interpretive program. The tidal restoration includes restoring the aquatic functions of the lagoon through permanent inlet maintenance and expansion of the lagoon's tidal prism, and the creation of subtidal and intertidal habitats on both the east and west sides of I-5. Tidal restoration would involve modifications to the existing drainage pattern, excavation of the tidal inlet to promote continual tidal exchange, excavation/dredging of sediments on up to 247 acres to create/restore coastal wetlands, construction of three berms (two for the Reduced Berm Alternative) along the river to maintain existing flood flows and direct sediment transport to the ocean, and identification of appropriate disposal sites for excavated/dredge material generated from the project.
3. The project will result in the discharge of waste, defined as the placement of fill material (e.g., soil, riprap, culverts), into 4.257 acres of waters of the United States. Permanent impacts (in acres) are as follows:

Waters of the U.S.	Permanent Impacts (Acres)
Open Water	0.17
Salt Marsh	3.895
Fresh Water Marsh	0.19
Riparian	0.002
TOTAL	4.257

4. The proposed project will restore and/or create 134.44 acres of waters of the U.S., consisting of open salt water, salt marsh, fresh water marsh, and riparian plant communities.
5. The project proposes to initially dredge no more than 89,100 cubic yards of sediment from the San Dieguito Lagoon inlet, and conduct maintenance dredging of no more than 21,000 cubic yards of sediment from the lagoon inlet every eight (8) months.

6. Dredged sediment from the initial and maintenance dredging will be placed on Del Mar beaches that flank the inlet.
7. The dredging and disposal process can disturb bottom sediments, leading to the release of pollutants into the water column by the re-suspension of sediment particles and the introduction of pollutants sorbed to sediment particles or present in pore water. Sediment particles are also considered a pollutant when suspended in concentrations that exceed water quality standards.
8. The placement of dredge spoils in and adjacent to the San Dieguito Lagoon and Pacific Ocean has the potential to adversely impact designated beneficial uses.
9. Measures to mitigate for impacts to water quality and beneficial uses resulting from the initial and periodic dredging activities are contained in sections A, B, C, D, E, and F of this Order.
10. The proposed *Final Restoration Plan* (Southern California Edison Company; August 2004) and *Monitoring Plan* (California Coastal Commission; May 18, 2005) will adequately compensate for impacts to waters of the U.S. and State associated with the dredge and discharge of fill material.
11. This Order specifies Waste Discharge Requirements (WDRs) that are necessary to adequately address impacts to water quality standards resulting from the filling of waters of the U.S., to meet the objectives of the State Wetlands Conservation Policy (Executive Order W-59-93), and to accommodate and require appropriate changes over implementation of the project and its construction.
12. The *Comprehensive Water Quality Control Plan for the San Diego Basin (9) (Basin Plan)* was adopted by the Regional Board on September 8, 1994. Subsequent revisions to the Basin Plan have also been adopted by the Regional Board and approved by the State Board. The Basin Plan designates beneficial uses, narrative and numerical water quality objectives, and prohibitions which are applicable to the discharges regulated under this Order. The project, as described in this Order, will not result in State Water Quality Standards being exceeded.
13. The dischargers have avoided and minimized impacts to waters of the U.S. consistent with the requirements of the Basin Plan.
14. The San Dieguito River Park Joint Power Authority prepared an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act that was certified on September 15, 2000. The EIR identified the following mitigation measures to reduce project impacts to water quality to below a level of significance:

- a. Comply with State Water Resources Control Board Water Quality Order No. 99-08-DWQ, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity;
 - b. Compliance with the Clean Water Section 401 Water Quality Certification; and
 - c. Compliance with Waste Discharge Requirements.
15. The Board has notified the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Game, and other interested agencies and persons of its intent to prescribe Waste Discharge Requirements and Section 401 Water Quality Certification for this discharge.
16. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that Southern California Edison and San Dieguito River Park Joint Powers Authority (JPA) (hereinafter dischargers), in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

A. PROHIBITIONS

1. The discharge of waste in a manner other than as described in the findings of this Order is prohibited unless the dischargers obtain revised waste discharge requirements that provide for the proposed change prior to the discharge occurring.
2. The discharge of waste shall not create a condition of pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code.
3. The discharge of waste shall not exceed the acreages, volumes, and locations specified in Finding Nos. 2, 3, and 4.
4. The discharge of dredged material and dredged material return water in a manner that has not been described in the application / report of waste discharge and for which valid waste discharge requirements are not in force are prohibited.
5. Storage or disposal of dredged material and dredged material return water in a manner that creates a condition of pollution, contamination, or nuisance, as defined by CWC Section 13050, or causes a violation of any Basin Plan prohibition, is prohibited.
6. The project shall not cause significant adverse impacts upon the quality of waters in a local, state, or federal wildlife preserve or sanctuary, or other waters of significant local, regional, statewide, or national importance.

B MITIGATION PROVISIONS

1. The dischargers shall develop and submit Final Mitigation and Monitoring Plans, acceptable to the Regional Board, that shall achieve the following standards:
 - a. All restored areas must exhibit signs or evidence of increased beneficial uses for wildlife (avian and aquatic) for two consecutive years, commencing after restoration activities are complete;
 - b. All restored areas must exhibit evidence of natural recruitment of native wetland and/or riparian species within 1 year of cessation of restoration activities; and
 - c. All restored areas must be self-sustaining after 5 years of maintenance and monitoring. Self sustaining is defined as “restored habitats that do not require maintenance, supplemental irrigation, and additional planting, and are occupied by, and support, the appropriate plant and animal species”.
2. No later than 30 days prior to the start of the project (e.g., mobilization of equipment for dredging), the dischargers shall submit the Final Restoration and Monitoring Plans to the Regional Board for review and approval. If the Restoration and Monitoring Plans are not acceptable, the dischargers shall make appropriate changes and re-submit.
3. The dischargers shall implement the Final Wetland Restoration and Monitoring Plans as approved by the Regional Board. The final Monitoring Plan shall be consistent with Monitoring and Reporting Program No. R9-2005-0213.
4. If mitigation areas do not meet their interim and/or ultimate success criteria, as defined in the Restoration and Monitoring Plans, the dischargers shall prepare remedial measures, acceptable to the Regional Board, to be implemented within one year following the determination that success criteria were not reached.
5. The dischargers shall provide certification no later than 10 days prior to the start of construction that personnel have been trained on the provisions and prohibitions of this order as well as the management responsibilities detailed in the *Final Restoration Plan (Southern California Edison Company; August 2004)* and *Monitoring Plan (California Coastal Commission; May 18, 2005)*.
6. No later than 60 days following the completion of the installation of the mitigation areas, the dischargers shall submit, acceptable to the Regional Board, final conservation easements or deed restrictions for all mitigation and preservation areas.
7. The dischargers shall submit an as-built report within 60 days after complete installation of the mitigation. The as-built report shall contain final grade and topography elevations, planted areas and palette, and areas designated for natural plant recruitment and desired palette.

C. SECTION 401 WATER QUALITY CERTIFICATION PROVISIONS

1. Standard conditions applicable to 401 Water Quality Certification:

- a. Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to CWC §13330 and 23 CCR §3867.
 - b. Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR §3855(b) and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
 - c. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR §3833 and owed by the dischargers.
2. Any proposed change in construction that may alter flow patterns and/or change the approved impact footprint is prohibited without Regional Board approval. Not later than 30 days prior to the beginning of any proposed change, the dischargers shall submit, acceptable to the Regional Board, detailed plans and specifications showing the proposed change in relationship to the approved project.
3. The dischargers are prohibited from maintaining (e.g., mowing, pruning, etc.) riparian vegetation within the San Dieguito River channel for the purposes of increasing the hydrologic capacity of the river.
4. All waters of the United States and State that are to be preserved shall be fenced no less than 10 days prior to the start of any project activities. A qualified biologist shall show all preservation areas to all appropriate construction personnel and shall explain the conditions of this Order and other permits regarding impacts.
5. The dischargers shall staff a qualified biologist on site during project construction to ensure compliance with the certification requirements. The biologist shall be given the authority to stop all work onsite if a violation occurs or has the potential to occur. No later than 30 days prior to the start of the project, the dischargers shall submit, acceptable to the Regional Board, the name(s) and qualification(s) of the qualified biologist(s) (defined as possessing a college degree in the biological sciences and at least 5 years restoration experience in southern California) responsible for compliance with the requirements of this Order.
6. The dischargers shall notify the Regional Board in writing at least 15 days prior to actual start dates for each project component (e.g., dredging, upland excavation, installation of mitigation, beach sand disposal, etc.).
7. Prior to any individual placement of sand on the Del Mar Beaches, SCE and the JPA shall notify the local public of planned beach closures.
8. This Certification is valid only until the expiration of the associated U.S. Army Corps of Engineers Section 404 individual permit.

9. SCE and the JPA shall test all beach sand sources for bulk chemistry to verify that the sand is free of contaminants prior to the placement on any beach fill site. Contaminated sediments shall not be used for beach replenishment.
10. Beach sand shall not be placed in such a manner as to obstruct flows from beach outfalls and streams.
11. SCE and the JPA shall conduct pre-fill biological surveys prior to each beach fill activity to identify the presence of rare, threatened, and endangered species and sensitive near shore habitats.
 - a) Work performed within tidally-influenced areas between March and August shall be done in a manner to avoid any impacts to grunion runs that may occur on-site.
 - b) Beach fill activities shall not be conducted at locations where snowy plovers or other rare, threatened, or endangered species are present
12. The JPA shall not maintain the trail(s) in a manner that affects water quality or beneficial uses.
13. SCE and/or the JPA shall maintain the storm water treatment wetlands in accordance with maintenance design or industry-acceptable procedures.

D. DREDGING PROVISIONS

1. The dredging project and disposal of dredged sediment shall be implemented in accordance with the project description presented in the report of waste discharge. Any project modification must have the prior Regional Board approval.
2. Waste shall be discharged a sufficient distance from areas designated as being of special biological significance to assure maintenance of natural water quality conditions in these areas.
3. Sediment shall be removed in a manner that prevents or minimizes water quality degradation and does not exceed Basin Plan water quality objectives.
4. Sediment disposal shall not cause soluble pollutants in the water column in excess of the applicable water quality objectives as established in the California Toxics Rule and Basin Plan.

E. TRAIL CONSTRUCTION AND MAINTENANCE PROVISIONS

1. Pedestrian and equestrian trails shall be constructed and maintained pursuant to the Final Restoration Plan dated August 2004.

2. At a minimum, trash and horse manure shall be collected weekly, and before a predicted rain storm.
4. Trash and manure containers shall be located along the trails and be of sufficient quantity to encourage trail users to use the containers.
5. Trash and manure containers shall be designed to shed rain water.

F. TREATMENT WETLAND MAINTENANCE PROVISIONS

1. The water quality treatment wetlands (ponds) for storm water runoff shall be constructed and maintained pursuant to the Final Restoration Plan dated August 2004.
2. The ponds shall be kept free of invasive plant species.
3. The ponds shall be maintained, as needed, by the removal and proper disposal of accumulated sediment, trash, and excessive plant growth.

G. STANDARD PROVISIONS

1. The dischargers shall notify the Regional Board by telephone within 24 hours whenever an adverse condition occurs as a result of this discharge. Such a condition includes, but is not limited to, a violation of the conditions of this Order, a significant spill of petroleum products or toxic chemicals, or damage to control facilities that would cause noncompliance. Pursuant to CWC §13267(b), a written notification of the adverse condition shall be submitted to the Board within one week of occurrence. The written notification shall identify the adverse condition, describe the actions necessary to remedy the condition, and specify a timetable, subject to the modifications of the Regional Board, for the remedial actions.
2. The discharge of any hazardous, designated or non-hazardous waste as defined in Title 23, Division 3, Chapter 15 of the California Administrative Code, shall be disposed of in accordance with applicable state and federal regulations. Sediment shall not be removed or disposed in a manner that will not cause water quality degradation.
3. This Order is not transferable to any person except after notice to the Regional Board. In accordance with CWC §13260, the dischargers shall file with the Board a report of any material change or proposed change in the ownership, character, location, or quantity of this waste discharge. The notice must include a written agreement between the existing and new dischargers containing a specific date for the transfer of this Order's responsibility and coverage between the current dischargers and the new dischargers. This agreement shall include an acknowledgment that the existing dischargers is liable for violations up to the transfer date and that the new dischargers is liable from the transfer date on. Any proposed material change in operation shall be reported to the Regional Board at least 30 days in advance of the proposed implementation of any change. This shall include, but not be limited to, all significant new soil disturbances, all proposed expansion of development, or any change in drainage characteristics at the project site. For the purpose of this Order, this

includes any proposed change in the boundaries of the wetland/waters of the United States fill sites. The Regional Board may require modification or revocation and reissuance of this Order to change the name of the dischargers and incorporate such other requirements as may be necessary under the California Water Code.

4. The dischargers shall maintain a copy of this Order at the project site so as to be available at all times to site operating personnel and agencies.
5. The dischargers shall permit the Board or its authorized representative at all times, upon presentation of credentials:
 - a. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - b. Access to copy any records required to be kept under the terms and conditions of this Order.
 - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Order.
 - d. Sampling of any discharge or surface water covered by this Order.
6. This Order does not authorize commission of any act causing injury to the property of another or of the public; does not convey any property rights; does not remove liability under federal, state, or local laws, regulations or rules of other programs and agencies, nor does this Order authorize the discharge of wastes without appropriate permits from other agencies or organizations.
7. The Regional Board will consider rescission of this Order upon notification of successful completion of mitigation for all creation, and enhancement projects required or otherwise permitted now or subsequently under this Order, completion of project construction, and the Regional Board's acceptance of these notifications. Determination of mitigation success will be based on the provisions discussed in Section B, Mitigation Monitoring, located within the Monitoring and Reporting Program.
8. The dischargers must comply with all conditions of this Order. Any noncompliance with this Order constitutes a violation of the California Water Code and is grounds for (a) enforcement action; (b) termination, revocation and reissuance, or modification of this Order; and/or (c) denial of a report of waste discharge in application for new or revised waste discharge requirements.
9. The dischargers shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the Regional Board within 24 hours from the time the dischargers becomes aware of the circumstances. A written submission shall also be provided within five days of the time the dischargers becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the

noncompliance. The Regional Board, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

10. The dischargers shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.
11. In an enforcement action, it shall not be a defense for the dischargers that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or failure of the treatment facility, the dischargers shall, to the extent necessary to maintain compliance with this Order, control production or all discharges, or both, until the facility is restored or an alternative method of treatment is provided. This provision applies for example, when the primary source of power of the treatment facility is failed, reduced, or lost.
12. This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:
 - a. Violation of any terms or conditions of this Order;
 - b. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts; or
 - c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
13. The filing of a request by the dischargers for the modification, revocation and reissuance, or termination of this Order, or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

E. REPORTING AND RECORD KEEPING REQUIREMENTS

1. The dischargers shall submit copies of all necessary approvals and/or permits for the project and mitigation projects from applicable government agencies, including, but not limited to, the California Department of Fish and Game, U.S. Fish and Wildlife Service, and U.S. Army Corps of Engineers, prior to the start of clearing/grading.
2. The dischargers shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board.
3. The dischargers shall furnish to the Regional Board, within a reasonable time, any information which the Regional Board may request to determine whether cause exists for

modifying, revoking and reissuing, or terminating this Order. The dischargers shall also furnish to the Regional Board, upon request, copies of records required to be kept by this Order.

4. Where the dischargers becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge or submitted incorrect information in a Report of Waste Discharge or in any report to the Regional Board, it shall promptly submit such facts or information.
5. All applications, reports, or information submitted to the Regional Board shall be signed and certified as follows:
 - a. The Report of Waste Discharge shall be signed as follows:
 - i For a corporation - by a principal executive officer of at least the level of vice-president.
 - ii For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
 - iii For a municipality, state, federal or other public agency - by either a principal executive officer or ranking elected official.
 - b. All other reports required by this Order and other information required by the Regional Board shall be signed by a person designated in paragraph (a) of this provision, or by a duly authorized representative of that person. An individual is a duly authorized representative only if:
 - i The authorization is made in writing by a person described in paragraph (a) of this provision; and
 - ii The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity; and
 - iii The written authorization is submitted to the Regional Board.
 - c. Any person signing a document under this Section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."
6. The dischargers shall submit reports required under this Order, or other information required by the Regional Board, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, California 92123

F. NOTIFICATIONS

1. This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the dischargers from liability under federal, state or local laws, nor create a vested right for the dischargers to continue the waste discharge.
2. These requirements have not been officially reviewed by the United States Environmental Protection Agency and are not issued pursuant to Section 402 of the Clean Water Act.
3. The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.
4. The adoption of these waste discharge requirements constitutes certification of water quality certification for the project as described in this Order pursuant to Section 401 of the Clean Water Act.

This Order becomes effective on the date of adoption by the Regional Board

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on September 14, 2005.

TENTATIVE
JOHN H. ROBERTUS
Executive Officer

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**TENTATIVE MONITORING AND REPORTING PROGRAM NO.
R9-2005-0213**

for

**SOUTHERN CALIFORNIA EDISON COMPANY
and
SAN DIEGUITO RIVER PARK JOINT POWERS AUTHORITY,**

**SAN DIEGUITO LAGOON RESTORATION
and
SAN DIEGUITO COAST TO CREST TRAIL,
SAN DIEGO COUNTY, CALIFORNIA**

A. DREDGING

1. Areas to be dredged shall be surveyed for *Caulerpa taxifolia* at least 90 days before dredging. Surveys shall follow the protocol developed by the National Marine Fisheries Service, Southwest Regional Office. The Caulerpa Control Protocol, Version 1, September 18, 2001, is located at <http://swr.ucsd.edu/hcd/ccpv1.htm>.
2. If *Caulerpa taxifolia* is discovered, no dredging shall occur until the *Caulerpa sp.* has been eradicated to the satisfaction of the Regional Board.
3. Dredged sediment shall be tested according to the document entitled "1991 Evaluation of Dredge Materials Proposed for Ocean Disposal" under the direction and approval of the ACOE and EPA. One statistically, random-located sample shall be collected for every 1000 cubic yards of dredged sediment. The samples shall be analyzed for Title 22 metals and polyaromatic hydrocarbons.
4. For beach disposal, the concentration of metals in the dredged sediment shall not exceed the average concentration of western soils and the concentration of polyaromatic hydrocarbons shall be non-detectable at standard laboratory detection limits. If polyaromatic hydrocarbons are detected, the concentrations shall be less than or equal to one in one-million for human health risk for ingestion and dermal contact.

5. Dredging activities and disposal of dredged sediment shall cause an exceedance of Basin Plan standards for surface water.
6. Water quality monitoring shall be implemented for the following:
 - a. Monitor the dewatering effluent (dredged sediment return water) to demonstrate that the effluent quality does not exceed the appropriate receiving water criteria. Construction may be halted if effluent levels are not within established criteria.
 - b. Conduct water quality monitoring during dredging/construction activities; if monitoring results indicate excessive impacts (e.g., depressed dissolved oxygen concentrations), modifications to construction or sediment disposal methods to lessen the magnitude of the impacts shall be developed and implemented in consultation with the appropriate permitting agencies.
 - c. Turbidity sampling shall occur at three sampling stations during dredging activities. Station A will be 200 feet updrift of the dredging activities and outside any visual plume. Station B will be inside any visual plume at the dredging site and/or within the silt curtain if possible. Station C will be 200 feet downdrift of the dredging activities inside any visual plume if possible. At these stations, a Secchi Disc or turbidity meter shall be used each day during dredging activities to sample turbidity. If turbidity at Station C increases more than 20% over the turbidity at Station A, the dredging operations shall be suspended and appropriate measures taken, the Regional Board Executive Officer notified, and remedial measures shall be implemented.
 - d. A comprehensive water quality monitoring plan shall be submitted to the Regional Board 30 days prior to the commencement of dredging activities.
 - e. Water quality monitoring reports shall be submitted at the end of every month during dredging activities. The first report will be due no later than 30 days following commencement of dredging activities.

B. MONITORING PROVISIONS

1. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring locations specified in this Monitoring and Reporting Program (MRP) and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring locations shall not be changed without notification to, and the approval of, this Regional Board. Samples shall be representative of conditions when highest concentrations of pollutants are expected, with respect to compliance with requirements of Order No. R9-2005-0213.
2. Monitoring must be conducted according to United States Environmental Protection Agency (USEPA) test procedures approved under Title 40 of the Code of Federal Regulations Part 136 (40 CFR 136), Guidelines Establishing Test Procedures for the Analysis of Pollutants, as procedures have been specified in Order No. R9-2005-0213 and/or in this Monitoring and Reporting Program and/or by this Regional Board.

3. If the discharger monitors any pollutants more frequently than required by Order No. R9-2005-0213 or by this MRP, using test procedures approved under 40 CFR 136, or as specified in Order No. R9-2005-0213 or this Monitoring and Reporting Program, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the discharger's monitoring report. The increased frequency of monitoring shall also be reported.
4. The discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by Order No. R9-2005-0213 and this Monitoring and Reporting Program, and records of all data used to complete the application for Order No. R9-2005-0213. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. This period may be extended by request of this Regional Board or by the USEPA at any time.
5. Records of monitoring information shall include:
 - a. The date, exact location, and time of sampling or measurements;
 - b. The name(s) of individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The laboratory and individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
6. Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in Order No. R9-2005-0213 or this Monitoring and Reporting Program.
7. All analyses shall be performed in a laboratory that is certified by the California Department of Health Services to perform such analyses or a laboratory approved by this Regional Board.
8. The discharger shall report in a cover letter all instances of noncompliance not reported under *Reporting Requirement E.5* of Order No. R9-2005-0213 at the time monitoring reports are submitted. The reports shall contain the information listed in *Reporting Requirement E.5*.
9. All monitoring instruments and devices used by the discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy. All flow measurement devices shall be calibrated at least once per year to ensure continued accuracy of the devices.

10. Monitoring results must be reported on forms approved by this Regional Board. Duplicate copies of the monitoring reports signed and certified as required by *Reporting Requirement E.8* of Order No. R9-2005-0213 must be submitted to the USEPA and the Regional Board at the addresses listed in *Reporting Requirement E.6* of Order No. R9-2005-0213.
11. Monitoring results shall be reported at intervals and in a manner specified in Order No. R9-2005-0213 or in this Monitoring and Reporting Program.
12. This Monitoring and Reporting Program may be modified by this Regional Board, as appropriate.
13. All reports submitted in response to this Order shall comply with signatory requirements specified in *Reporting Requirement E.5* of this Order.
14. The discharger shall implement the above monitoring program on the first day of the month following the effective date of this Order

C. MITIGATION MONITORING

1. The Final Restoration and Monitoring Plans shall include, but not be limited to, the following:
 - a. Proposed channel designs and earthwork for all mitigation areas, including appropriate cross sections and plan views;
 - b. A detailed planting plan, including species lists, plant sizes and numbers, and planting designs;
 - c. Specific details and plans for all creek sections that will be culverted, bridged, or otherwise crossed or immediately adjoined by paths, structures, or similar improvements;
 - d. Specific details regarding hydrologic and biogeochemical monitoring, including sample locations, periodicity, and qualitative and quantitative indicators; and
 - e. All other information, as appropriate.
2. Mitigation monitoring shall follow the California Coastal Commission's draft Monitoring Plan, the S.O.N.G.S. Wetland Mitigation Program, dated May 18, 2005.
3. Implementation of mitigation shall restore functions for the following beneficial uses and water quality: habitat, biogeochemical/water quality, and hydrologic functions. The Final Restoration and Monitoring Plan shall include methodology to assess the restoration of these functional gains. The Final Restoration and Monitoring Plan shall also include interim and final qualitative and qualitative functional success criteria. The Final Restoration and Monitoring Plan shall be submitted to the Regional Board no later than 10 days after adoption by the California Coastal Commission.

3. Construction monitoring reports shall be submitted quarterly during all grading activities associated with the proposed project. Construction monitoring reports shall include, but not be limited to the following:
 - a. Names, qualifications, and affiliations of the persons contributing to the report;
 - b. Summary of construction activities that include general locations, project component (e.g., school site, mitigation site), approximate acreage;
 - c. Quantification of impacts to waters of the U.S. authorized under this Order;
 - d. Dates, times, and names of qualified biologist(s) onsite;
 - e. Summary of any problems, resolution, and notification that occurred during this monitoring period; and
 - f. Photodocumentation, if necessary, of construction activities.
4. Mitigation monitoring shall occur, at a minimum, quarterly during the first year following installation of mitigation areas, semi-annually during the second and third years, and annually until mitigation has been determined to be successful (as defined in the provisions of this Order, and mitigation success has been agreed to in writing by the Regional Board and the U.S. Army Corps of Engineers. Monitoring shall begin immediately after the completion of the first planting period.
5. Mitigation monitoring reports shall be submitted quarterly during the first year following installation, semi-annually during the second and third years, and annually until mitigation has been deemed functionally successful. Monitoring reports shall be submitted no later than 30 days following the end of the monitoring period. Monitoring reports shall include, but not be limited to, the following:
 - a. Names, qualifications, and affiliations of the persons contributing to the report;
 - b. Tables presenting the raw data collected in the field as well as analyses of the physical and biological data;
 - c. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
 - d. Photodocumentation from established reference points; and
 - e. Other items specified in the draft and final Wetland and Riparian Mitigation and Monitoring Plan.

Monitoring Reports shall be submitted to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
File No. 05-1371.02
WDID No. 9 000 001 371
9174 Sky Park Court, Suite 100
San Diego, Ca 92123

Ordered by: _____TENTATIVE_____
JOHN H. ROBERTUS
Executive Officer